

SECTION 6.00 - SPECIFIC APPLICATION OF DISTRICT REGULATIONS

The restrictions set out in Section 6.10 to 6.27 apply to uses in the individual districts.

SECTION 6.10 - RESTRICTIONS - RESIDENTIAL DISTRICTS

These districts have been created to preserve and enhance a safe, pleasant living environment for the people of Madison, Indiana. It is intended to provide a variety and mix of dwelling types. These districts and their restrictions follow in Section 6.11 to 6.15 inclusive.

A. General Requirements - All Residential Districts

1. Home Occupations

Home occupations shall be governed by the following regulations:

- a. A home occupation is any use conducted entirely within a dwelling and participated in solely by members of the family, when such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon.
- b. Permitted home occupations shall not include, but not limited to, the following:
 1. A clinic or hospital
 2. A barbershop or beauty parlor
 3. A stable or kennel
 4. A restaurant
 5. Any activity which produces noxious matter
- c. Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for Residential Districts. There shall be no exterior storage of equipment or materials used in such home operations.

2. Signs intended to be seen outside lot lines
 - a. Non-illuminated business signs are permitted.
 - b. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
 - c. No sign shall be larger than two (2) square feet per side (exception - real estate signs).
 - d. Real estate signs:
 - (1) Size eight (8) square feet per side.
 - (2) They are only temporary.
3. Parking
 - a. Two (2) off-street parking spaces shall be provided for all dwelling units.
 - b. Mobile home parks shall provide two (2) parking spaces per dwelling unit.
4. Visibility at intersections - on a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) and twelve (12) feet above the established grade determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each lot line.
5. Fences, walls, and hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway; and provided further that no fence, wall or hedge along the sides or front edge of any front yard shall exceed three (3) feet in height.
6. Parking, storage, or use of major recreational equipment
 - a. Major recreational equipment may be stored on a lot zoned residential agricultural (R-A) provided they do not violate any other section of this ordinance and that not more than three (3) pieces of equipment are present.
 - b. Recreational equipment parked or stored in residential districts shall be parked in a manner so as not to block pedestrian traffic or interfere with the view of motorists. Recreational equipment will not be used for any purpose other than that intended when manufactured.

- c. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
7. Parking and storage of certain vehicles - Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored for more than seven (7) days on any residentially zoned property other than in completely enclosed buildings with the exception of state licensed antique vehicles.
8. Parking and storage of certain commercial or industrial trucks -- trucks which are used for commercial or industrial purposes and which have a weight capacity of 2-1/2 tons or more shall not be parked or stored for more than 12 hours on any residentially zoned property. Refrigerated trucks of all sizes shall not be parked on any residentially zoned property while refrigeration unit is engaged.
9. Apartment building owners must submit in writing a proposed handicapped parking plan to the Plan Commission of the City of Madison for approval at a regularly scheduled Plan Commission meeting.

SECTION 6.11 - RESIDENTIAL AGRICULTURAL

A. General

1. Floor area ratio - not to exceed two tenths (0.20).
2. Lot area - not less than one (1) acre (43,560 square feet).
3. Lot width - not less than one hundred fifty (150) feet.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Single family dwelling units (110)

- a. If built on a block or road where previous development has taken place:

- (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than forty (40) feet from right-of-way if bordering a collector street or sixty (60) feet from the right-of-way if bordering an arterial street or road.

- (2) Side yards shall in no case be less than twenty (20) feet

b. If built on a block or road where no previous residential development has taken place:

- (1) Setbacks shall be not less than forty (40) feet from right-of-way of collector streets and sixty (60) feet from right-of-way of arterial streets.
- (2) Side yards shall in no case be less than twenty (20) feet.
- (3) For all side yards, when the structure is in excess of two stories, for each story over the second, the side yard shall be increased by at least eight (8) feet. (For the purposes of this ordinance, a story which is more than half below ground level from floor to ceiling shall not be considered a story.) Example: a three story house would be required to have side yards of at least twenty-eight (28) feet.

2. Transportation Related Uses (454, 455, 456, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Parks, Playgrounds, Recreation Areas and Farms (742, 743, 761 762, 811, 812, 813, 814, 815, 816, 818, 819, 822, and 921)

These uses are permitted in this district provided that plans for their development and use are approved by the Plan Commission.

Additional restrictions:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Boarding houses, retirement homes, and certain other group quarters (121, 123)

These uses are permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than sixty (60) feet from right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

2. Transportation Related Uses (451, 452, 453, 457, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Various Public and Quasi-Public Utilities (471, 472, 476, 481, 482, 483 and 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.
- e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts which could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Plan Commission for each request.

4. Cemeteries (626)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. The minimum size for new cemeteries shall be four (4) acres.
- b. No structure shall be placed within fifty (50) feet of any lot line.
- c. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- d. The site shall be completely enclosed by a fence with a minimum height of six (6) feet, and gates shall remain closed between sunset and sunrise.

5. Medical and Other Health Services (651 and 653)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall be not less than sixty (60) feet from right-of-way line.
- b. Side yards shall be not less than forty (40) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within forty (40) feet of lot lines.

6. Protective Functions Such as Police and Fire Protection (672)

With the health, safety and well-being of the citizens foremost in their minds, the Plan Commission and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, then the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within one hundred (100) feet of any structure on an adjacent lot.

7. Schools and Churches (681 & 691)

The location of schools should be done by a study independent of the City and other government agencies. The City of Madison shall make no law respecting an establishment of religion prohibiting the free expression. When the location is chosen, it should be restricted as per Section 6.12, C 7. Churches should have the same restrictions.

8. Cultural Entertainment, Recreational Activities and Farms (711, 712, 719, 724, 739, 744, 749, 751, 752, 769, 817, 821, 829, 831, 832, 839)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- c. Areas for parking shall not be closer than forty (40) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.

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SECTION 6.12 - LOW DENSITY RESIDENTIAL

A. General

1. Floor area ratio - not to exceed five tenths (0.50).
2. Lot area - not less than one-fourth ($\frac{1}{4}$) acre if single dwelling unit is included or one-half ($\frac{1}{2}$) acre if a duplex is involved. Maximum density four (4) dwelling units per acre.
3. Lot width - not less than fifty (50) feet.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Dwelling Units (100)

- a. If built on a block or road where previous development has taken place:

- (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering a collector street or forty (40) feet from the right-of-way if bordering an arterial street or road.
- (2) Side yards shall in no case be less than ten (10) feet in the Low Density Residential District.
- (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet. (For the purposes of this ordinance, a story which is more than half below ground level from floor to ceiling shall not be considered a story.) Example: a two story house would be required to have side and rear yards of at least eighteen (18) feet.

- b. If built on a block or road where no previous residential development has taken place:

- (1) Setbacks shall be not less than twenty-five (25) feet from right-of-way of collector streets and forty (40) feet from right-of-way of arterial streets.
- (2) Side yards shall in no case be less than ten (10) feet in the Low Density Residential District.
- (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.

2. Roadways, Recreation Areas and Farms (453, 454, 455, 456, 457, 460, 742, 761, 762, 811, 812, 813, 814)

These uses are permitted in this district provided that plans for their development and use are approved by the Madison Plan Commission. Additional restrictions include:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.

- b. Areas for parking shall not be closer than twenty (20) feet from lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Boarding Houses and Retirement Homes (121 & 123)

These uses are permitted providing the following restrictions are satisfied:

- a. Setbacks shall be not less than thirty (30) feet from right-of-way line.
- b. Side yards shall be not less than thirty (30) feet wide.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within thirty (30) feet of lot lines.

2. Various Public and Quasi-Public Utilities & Roadways (451, 452, 459, 471, 472, 476, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty-five (25) feet of lot lines.

- e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts which could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Plan Commission for each request.

3. Real Estate Offices and Funeral Homes (615 & 624)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet in the Low Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yards shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty-five (25) feet from right-of-way of collector streets and forty (40) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the Low Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- c. Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than twenty (20) feet from the nearest lot line.
- d. Structures shall be so designed so as not to destroy the continuity of the district. Plans for structures must be presented to the Board of Zoning Appeals prior to Board action.

SECTION 6.12 (cont.)

4. Cemeteries (626)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. The minimum size for new cemeteries shall be four (4) acres.
- b. No building shall be placed within fifty (50) feet of any lot line.
- c. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- d. The site shall be completely enclosed by a fence with a minimum height of six (6) feet, and gates shall remain closed between sunset and sunrise.

5. Medical and Other Health Services (653, 699)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from right-of-way line.
- b. Side yards shall be not less than twenty (20) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet to any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.

6. Protective Functions and Postal Service (672 & 673)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals, Plan Commission, and involved protective services should cooperate to determine where best to locate these functions. Should they decide upon a site in this district, then the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.

7. Schools and Churches (681 & 691)

The location of schools should be done by a study independent of the City and other government agencies. When the location is chosen, it should be restricted in the following ways. Churches should have the same restrictions.

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than thirty (30) feet from right-of-way if bordering a collector street or fifty (50) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet in the Low Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than thirty (30) feet from right-of-way of collector streets and fifty (50) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the Low Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.

8. Cultural, Entertainment and Recreational Activities (711, 719, 722, 743 and 769)

Providing that the following restrictions are adhered to and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within fifty (50) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-

five (75) feet from any adjacent property line.

- c. Areas for parking shall not be closer than forty (40) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.

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SECTION 6.13 - MEDIUM DENSITY RESIDENTIAL

A. General

- 1. Floor area ratio - not to exceed one (1.00)
- 2. Lot area - for individual units, not less than five thousand and four hundred (5,400) square feet; if, however, there is a desire to build a duplex or triplex, there may not be a greater density than eight (8) units per acre. Other multi-family units are not permitted in this district except for conditional use.
- 3. Lot width - not less than forty (40) feet.

B. Restrictions

All permitted uses listed in the Official Schedule of Uses, shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

- 1. Single and Family Dwelling Units (110)
 - a. Setbacks shall be not less than *twenty (20)* feet if bordering a collector or lesser street or *forty (40)* feet if bordering an arterial or larger street.
 - b. Side yards shall in no case be less than *ten (10)* feet in the Medium Density Residential District. In addition, for every story in excess of the first, the side yard shall be increased by five (5) feet. This means that a two story structure would have a required side yard of fifteen (15) feet.
- 2. Transportation Related Uses (452, 453, 454, 455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

SECTION 6.13 (cont.)

3. Parks, Playgrounds, Recreation Areas and Farms (742, 743, 761, 762, 769, 811, 812, 813, 814)

These uses are permitted in this district provided that plans for their development and use are approved by the Plan Commission. Additional restrictions include:

- a. Lighted areas shall be approved by the Building Inspector prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than twenty (20) feet from lot line.
- c. At the option of the Plan Commission at such a date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Residence Halls, Retirement Homes, and Apartments (121, 122, 123 & 130)

- a. Setbacks shall be not less than thirty (30) feet if bordering a collector or lesser street or fifty (50) feet if bordering an arterial or larger street.
- b. Side yards shall in no case be less than ten (10) feet in the Medium Density Residential District. In addition, for every story in excess of the first, the side yard shall be increased by five (5) feet.
- c. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of lot lines.
- d. Necessary lighting should not adversely affect any adjacent property. Such devices should be approved by the Building Inspector prior to installation.

2. Transportation Related Uses (412, 451, 459)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Various Public and Quasi-Public Utilities (471, 472, 476, 481, 482, 483, & 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.
- e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts which could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Plan Commission for each request.

4. Real Estate Office and Funeral Homes (615 & 624)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty (20) feet from right-of-way if bordering a collector street or forty (40) feet from the right-of-way if bordering an arterial street or road.

SECTION 6.13 (cont.)

- (2) Side yards shall in no case be less than ten (10) feet in the Medium Density Residential District.
- (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet from right-of-way of collector streets and forty (40) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- c. Structures shall be so designed so as not to destroy the continuity of the district. Plans for structures must be presented to the Board of Zoning Appeals prior to Board action.

5. Medical and Other Health Services (653, 699)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from right-of-way line.
- b. Side yards shall be not less than twenty (20) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within thirty (30) feet of lot lines.

6. Protective Functions and Postal Service (672 & 673)

With the health, safety, and well-being of the citizen foremost in their minds, the Board of Zoning Appeals, Plan Commission, and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, then the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

7. Schools and Churches (681 & 691)

The location of schools should be done by a study independent of City or other governmental agencies. The City of Madison shall make no law respecting an establishment of religion prohibiting the free expression. When the location is chosen, it should be restricted in the following ways. Churches should have the same restrictions.

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on the same street or road, but shall in no case be narrower than thirty (30) feet from right-of-way if bordering a collector street or fifty (50) feet from the right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than thirty (30) feet from right-of-way of collector streets and fifty (50) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the Medium Density Residential District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yards shall be increased by at least eight (8) feet.

8. Cultural, Entertainment, and Recreational Activities (711, 719 & 722)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

SECTION 6.13 (cont.)

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require the Plan Commission's approval prior to construction.

SECTION 6.14 - HIGH DENSITY RESIDENTIAL

A. General

1. Floor area ratio - no restriction.
2. Lot area - no restriction.
3. Lot width - no restriction.
4. Height Restriction - 45 feet.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Residence Halls, Retirement Homes, and Apartments (110, 122, 123 & 130)
 - a. Setbacks shall be not less than thirty (30) feet if bordering a collector or lesser street or fifty (50) feet if bordering an arterial or larger street.
 - b. Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts. In addition, for every story in excess of the first, the side yard shall be increased by five (5) feet. This means that a two story structure would have a required side yard of fifteen (15) feet.
 - c. For all apartments adjacent to single family structures side and back yards must be thirty (30) feet.

SECTION 6.14 (cont.)

- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of surrounding dwelling units.
 - e. Necessary lighting should not adversely affect any adjacent property. Such devices should be approved by the Plan Commission prior to installation.
2. Transportation Related Uses (412, 451, 452, 453, 454, 455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

3. Laundering, Beauty and Barber Shops (621 & 623)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering on collector street or forty (40) feet from right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet from right-of-way of collector streets and forty (40) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.

- c. Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than ten (10) feet from the nearest lot line.
- 4. Parks, Playgrounds, Recreation Areas and Farms (742, 743, 761, 762, 811, 812, 813 & 814)

These uses are permitted in this district provided that plans for their development and use are approved by the Plan Commission. Additional restrictions include:

- a. Lighted areas shall be approved to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

- 1. Various Public and Quasi-Public Utilities and Transportation Related Utilities (411, 413, 459, 471, 472, 476, 481, 482, 483 & 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.
- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.

- e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts which could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Plan Commission for each request.

2. General Food Trade, Banking, Real Estate(541, 542, 543, 544, 545, 546, 549, 599, 611, 615 & 625)

These uses are permitted in this district provided the Board of Zoning Appeals gives its approval prior to any action.

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering a collector street or forty (40) feet from right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet from right-of-way collector streets and forty (40) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- c. Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than ten (10) feet from the nearest lot line.
- d. Structures shall be so designed so as not to destroy the continuity of the district. Plans for structures must be presented to the Board of Zoning Appeals prior to Board action.

3. Medical and Other Health Services (651, 653, 659 & 699)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. Setbacks shall not be less than thirty (30) feet from right-of-way line.
- b. Side yards shall be not less than twenty (20) feet wide.
- c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within twenty (20) feet of lot lines.

4. Protective and Postal Service (672 & 673)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals, Plan Commission, and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, then the following restrictions must be followed:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

5. Schools and Churches (681, 682 & 621)

The location of schools should be done by a study independent of City or other governmental agencies. The City of Madison shall make no law respecting an establishment of religion prohibiting the free expression. When the location is chosen, it should be restricted in the following ways. Churches should have the same restrictions.

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within thirty (30) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no

SECTION 6.14 (cont.)

case be narrower than thirty (30) feet from right-of-way if bordering a collector street or fifty (50) feet from the right-of-way if bordering an arterial street or road.

- (2) Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built on a block or road where no previous residential development has taken place:
- (1) Setbacks shall be not less than thirty (30) feet from right-of-way of collector streets and fifty (50) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than ten (10) feet in the High Density Residential Districts.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
6. Cultural, Entertainment, and Recreational Activities (711, 719, 721, 722, 723, 724, 729, 731 & 790)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.

SECTION 6.15 - RESIDENTIAL MOBILE HOME PARK

A. General

1. Mobile home park area - not less than one (1) acre.
2. Floor area ratio - not to exceed four tenths (0.4).
3. Lot area - not less than three thousand (3,000) square feet.
4. Lot width - determined by setbacks.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Mobile Home Parks (140)

- a. Each mobile home park shall have a maximum density of eight (8) mobile homes per acre, calculated from the gross acreage included within the boundaries of the proposed mobile home park.
- b. No mobile home may be located closer than twenty (20) feet to any boundary line of the mobile home park.
- c. No mobile home shall be located closer than twenty (20) feet to any permanent structure within the mobile home park.
- d. No mobile home shall be placed closer than ten (10) feet from any lot or site line.
- e. No mobile home shall be located closer than fifteen (15) feet to the right-of-way of any mobile home park street.
- f. If the mobile home park is designed to be occupied by ten (10) mobile homes or more, not less than fifteen (15) percent of the gross land area of the park shall be improved for recreational activities for the residents of the park.
- g. No less than five (5) mobile homes shall constitute a mobile home park.
- h. There shall be no additional mobile homes or mobile home sites within the zoning jurisdiction of the City unless said mobile home and mobile home site is approved by the Commission and Board, as a Conditional Use. "Zoning jurisdiction" shall mean all lands within two (2) miles of the corporate limits of the City, as said limits now or hereafter exist.
- i. There shall be no additional mobile home parks located within the corporate limits of the City or within the zoning jurisdiction of the City unless said mobile home park is approved by the Commission and Board pursuant to this Ordinance and requirements of the Indiana Mobile Home Parks Act, as amended, and the Indiana State Board of Health Regulations, as amended.

2. Transportation Related Uses (452, 453, 454, 455, 456, 457, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Parks, Playgrounds and Recreation Areas (742, 743, 752, 761, 762, 769, 790)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.

2. Various Public, Quasi-Public Utility Buildings or Facilities Excluding Transmission Lines & Transportation Related Utilities (451, 459, 471, 472, 476, 481, 482, 483, & 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within twenty-five (25) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.

- c. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.
- d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding mobile homes. Further, no parking area shall be located within twenty (20) feet of lot lines.
- e. Further, this conditional use should not be allowed in this district if there are other less restrictive districts which could furnish equivalent space with no additional economic expense to the utility. This should be closely scrutinized by the Planning Commission for each request.

3. Real Estate and Laundering Service (615 & 621)

Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, this use may be permitted in this district:

- a. If built on a block or road where previous residential development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within two hundred (200) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than twenty-five (25) feet from right-of-way if bordering a collector street or forty (40) feet from right-of-way if bordering an arterial street or road.
 - (2) Side yards shall in no case be less than ten (10) feet in the Mobile Home Park District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- b. If built in a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than twenty (20) feet from right-of-way collector streets and forty (40) feet from right-of-way of arterial streets.
 - (2) Side yards shall be in no case less than ten (10) feet in the Mobile Home Park District.
 - (3) For all side yards, when the structure is in excess of one story, for each story over the first, the side yard shall be increased by at least eight (8) feet.
- c. Parking is permitted provided it is screened from view and is located at the side or behind the main structure. Further, no parking lot shall be located closer than twenty (20) feet from the nearest lot line.

4. Protective Functions, Police and Fire (672)

With the health, safety, and well-being of the citizens foremost in their minds, the Board of Zoning Appeals, Plan Commission, and involved protective services should cooperate to determine where best to locate these functions. Should they arrive at a site in this district, then the following restrictions must be satisfied:

- a. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- b. No structure shall be placed within fifty (50) feet of any structure on an adjacent lot.
- c. Should conform to other regulations pertaining to this district.

SECTION 6.16 - RESTRICTIONS - BUSINESS DISTRICTS

These districts have been created to provide areas for certain commercial and other service functions generally found in city and town centers. It is intended to provide these services where they are needed most and to preserve, enhance, and encourage the usefulness and vitality of these areas.

A. General Requirements - All Business Districts

1. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibrations, refuse matter, or water-carried waste.
2. In any commercial district where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen or an opaque fence having a height of six feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
3. No sign shall project beyond a lot line to obstruct in any way a driver's vision of the road, or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path. Additionally, all signs should always be properly maintained. The bottom of a sign over a pedestrian pathway must be 10 feet above the path and fifteen (15) feet above the street.
4. Visibility at intersections - On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) to twelve (12) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and the line joining points along said street lines fifteen (15) feet from the point of the intersection.

5. Fences, walls, and hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway; and provided further that no fence, wall or hedge along the sides or front edge of any front yard shall exceed three (3) feet in height.
6. Off street loading - On the same premises with every building or structure hereafter erected and occupied for uses involving the receipt of distribution by vehicle of material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height distance. These loading requirements shall not be applicable in areas zoned Residential-Commercial (R-C).
7. Commercial building owners must submit in writing a proposed handicapped parking plan to the Plan Commission of the City of Madison for approval at a regularly scheduled Plan Commission meeting.

SECTION 6.17 - PROFESSIONAL, RESEARCH, OFFICE DISTRICT

A. General

1. Floor area ratio - not to exceed one (1.0).
2. Lot area - not less than ten thousand (10,000) square feet (this pertains to a single lot with one structure but which may have several businesses within).
3. Lot width - not less than fifty (50) feet.
4. Parking Requirements
 - a. For auditoriums, stadiums, theater, or other places of public assembly, at least one parking stall per each eight (8) seats.
 - b. For hotels and motels, at least one parking stall for each guest sleeping room.
 - c. For public utilities, at least two (2) parking stalls for each three (3) full time employees.
 - d. For office uses at least eight tenths (0.8) parking stalls for each employee in the office.
 - e. For retail and wholesale stores, at least one parking stall for each one hundred and twenty (120) square feet of floor area devoted to sales.
 - f. For eating and drinking places, at least one parking stall for each five (5) seats.

- g. For medical and other health services, at least five parking stalls for each patient examination room.
- h. All parking stalls provided pursuant to this section shall be on the same lot with the building, except that the Board of Zoning Appeals may permit the parking spaces to be on any lot within five hundred (500) feet of the building, if it is determined that it is impractical to provide parking on the same lot with the building.

5. Setback Requirements

- a. Front yard - not less than fifteen (15) feet.
- b. Side yards - not less than ten (10) feet.
- c. Rear yard - not less than ten (10) feet.

6. Height - not to exceed forty-five (45) feet.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

- 1. Communications and Utilities (411, 459, 471, 472, 476, 479, 481, 482, 483, 484)

By adhering to the following restrictions, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. All structures erected, placed, or moved specifically for the operation of the utility to which the lot is devoted shall be completely surrounded or enclosed by a building or fence. A fence shall be at least seven (7) feet high and in compliance with national safety codes governing such construction.

- 2. Hotel, Motel, Eating Places, and Stationery Stores (581, 582, 594 & 599)

There should be some study done by the Building Inspector prior to any approval as to the amount of uses that would be governed by business in the district alone. If fifty (50) percent or more of their business could be generated by the area, then these conditional uses should be allowed.

3. Professional Office & Commercial Services (623, 624, 625, 631, 632, 633, 634, 635, 636, 637, 639, 659, & 699)

There should be some study done prior to any approval as to the amount of uses that would be governed by business in the district alone. If seventy (70%) percent or more of their business could be generated by the area, then these conditional uses should be allowed.

4. Government or Protective Services, Educational Uses (397, 653, 672, 673, 682 & 683)

These functions should all be studied carefully to determine that their location is best suited to meet the needs of the people. The Plan Commission should study each case individually and offer opinions regarding same.

5. Cultural, Entertainment, and Recreational Activities (711, 719, 721, 724, 739, 743, 744, 752, 762, 769)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.

SECTION 6.18 - LOCAL BUSINESS DISTRICT

A. General

1. Floor area ratio - not to exceed eight tenths (0.8).

2. Lot area - not to exceed one-fourth ($1/4$) acre if adjacent to R-4, R-8, R-32, or RMH District. In any other district the limit would be one-half ($1/2$) acre. If the use lies on a boundary between two districts, the allowed sizes of both would be added and divided by two (2).
3. Lot width - This would coincide with the allowable width in the predominate district which the LB District is adjacent to.
4. Signs intended to be seen outside lot lines:
 - a. Signs may be illuminated but not flashing nor bright enough to affect adjacent dwelling units.
 - b. No sign shall be larger than twelve (12) square feet.
5. Parking requirements:
 - a. For retail stores, at least one (1), but not more than one and five tenths (1.5), parking stall for each two hundred (200) square feet of sales area.
 - b. For eating places, at least one (1) parking stall for each seven (7) seats, but not more than one and five tenths (1.5) per seven (7) seats.
 - c. Laundry, barber, and beauty shops, at least one (1) space per two (2) chairs or four (4) washing machines.
 - d. For public assembly, at least one (1) parking stall per each eight (8) seats.
6. Setbacks shall be the same as those for the Residential District within which the Local Business District lies. If there are two (2) districts involved, it shall conform to the greater setback of the two.
7. Height - Building shall not exceed thirty (30) feet, measured at the curb line.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Communications, Transportation and Utilities (451, 452, 453, 459, 471, 472, 476, 481, 482, 483, & 484)

The Local Business Districts should be reserved for local business, but when it becomes necessary, the above uses, properly justified and restricted, are permitted. The restrictions will be the same as those presented in each Residential District (Sections 6.11-6.15) for public and quasi-public utilities. If there is a borderline case, then the most restrictive of the two shall govern. For instance, if the LB District lies between an R-4 and an R-8 District, then the most restrictive should be used.

2. Gasoline Service Stations (553 & 641)

- a. Visual screening - The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or vegetation of at least seven (7) feet in height.
- b. Hours - The hours that the station may remain open shall be restricted to between 6:00 a.m. and 9:00 p.m.

3. Family Clothing (539, 549, 561, 562, 563, 564, 565, 566)

At the approval of the Plan Commission, this type of facility may be permitted. It shall follow restrictions set out in the section entitled General.

4. Eating Places and Local Business (582, 583, 592, 593, 594, & 599)

These uses require prior approval by the Plan Commission. To gain this approval, they must show a need for their presence. In addition, if the use is approved they must adhere to the following restrictions:

- a. Visual screening - The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or vegetation of at least seven (7) feet in height.
- b. Follow general restrictions for this district.

5. Banking, Real Estate, and General Repair (611, 615, 625, 641, 649, 651, 659, 699)

These uses are permitted provided they are approved by the Plan Commission. In addition, they must conform to the following restrictions:

- a. Follow all general restrictions.
- b. Visual screening - The lot lines immediately bordering residential lots shall be screened completely with a fence, wall, or vegetation at least seven (7) feet in height.
- c. Show a need and demand for the particular service.

6. Protective Functions and Postal Service(672 & 673)

These uses are permitted in most districts by special exception; therefore, they should not need to be located in the LB District which is very small. However, if it is absolutely necessary and the Plan Commission gives its approval, then it may be permitted, subject to the restrictions for that particular use in that particular residential district.

7. Cultural Entertainment, and Recreational Activities (723, 724, 731, 762, 769)

Provided that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:

- a. No structure shall be placed within thirty (30) feet of any lot line.
- b. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
- c. Areas for parking shall not be closer than twenty (20) feet from lot line.
- d. There shall be a maximum of one (1) dwelling unit for purposes of residence upon the site.
- e. The structure(s) should be designed and landscaped so as not to destroy the continuity of the district. Plans would require Plan Commission approval prior to construction.
- f. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across lot lines.

SECTION 6.19 - GENERAL BUSINESS DISTRICT

A. General

1. Floor area ratio - not to exceed one and two-tenths (1.2).
2. Lot area - no restrictions.
3. Lot width - this would be based on other restrictions such as setbacks, floor area ratios, and other requirements.
4. Parking requirements:
 - a. For retail or wholesale stores, at least one (1) parking stall for each one hundred and twenty (120) square feet of floor area devoted to sales.

- b. For office uses, at least eight tenths (0.8) parking stalls for each employee in the office or building.
- c. For places of public assembly, at least one (1) parking stall per each eight (8) seats.
- d. For hotels and motels, at least one (1) parking stall for each guest sleeping room.
- e. For public utilities or communication facilities, at least two (2) parking stalls for each three (3) full time employees.
- f. For eating and drinking places, at least one (1) parking stall for each five (5) seats.
- g. For medical and other health services, at least two (2) parking stalls for each patient examining room.
- h. Any other use should generally provide enough parking to more than handle the ordinary load, but not necessarily the maximum.
- i. All parking stalls provided pursuant to this section shall be on the same lot with the building, except that the Board of Zoning Appeals may permit the parking spaces to be on any lot within five hundred (500) feet of the building, if it is determined that it is impractical to provide parking on the same lot with the building.

- 5. Setbacks shall be determined by the Plan Commission. Each site should be individually checked by the Building Inspector to determine what the most appropriate setback should be. Landscaping, ease of access, light and air and costs should all be taken into account. Adjacent uses should also be considered so as to not locate a noisy use next to a quiet one or some similar misfortune.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Parks and Playgrounds (742 & 743)

These uses should be located in residential districts. But, if the Plan Commission decides, they may be placed in this district. However, they should also cater to the needs of the workers and users of this district.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. Special Restrictions may also be imposed in addition to the General Restrictions.

SECTION 6.20 - RESIDENTIAL COMMERCIAL

A. General

1. Floor area ratio - set by Plan Commission.
2. Lot area - no restrictions.
3. Lot width - set by Plan Commission.
4. Height - not to exceed forty-five (45) feet.

B. Restrictions for Permitted Uses

Since this is a downtown district, all business uses are permitted subject to the General Restrictions. The reason they are grouped in this district is for their convenience. The governmental offices are usually in this district as are financial institutions, retail headquarters, and various other businesses. However, no permit shall be issued for any change in the use of occupancy of any land, building or structure, or for the construction of any new building or any alteration, addition or removal of any existing building or structure until and unless such change of use, occupancy, construction, addition, alteration or removal shall have been approved by the Board of Zoning Appeals after a duly authorized public hearing thereon. The Board, in making its decision, shall consider the following conditions and safeguards:

1. The value of the City of Madison as a place of architectural, cultural and historic interest shall be preserved.
2. Building designs and exterior wall treatment shall be in harmony with the traditional architectural character of Madison.
3. Signs shall not be garish or illuminated by neon or any other tubular or flashing devices, but shall be in keeping with the character of the architecture.
4. Parking lots shall be screened by appropriate walls, fences, or plantings.

C. Restrictions for Conditional Use

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. Special Restrictions may also be imposed in addition to the General Restrictions.

SECTION 6.21 - RESTRICTIONS - MANUFACTURING DISTRICTS

These districts have been created in order to provide areas where manufacturing uses efficiently locate with a minimum of adverse effects to other uses in the vicinity. Certain harmful or nuisance pollutants are limited accordingly.

A. General Requirements - All Industrial Districts

1. No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered, or remodeled for any of the following uses: Manufacture or storage of fireworks or explosives; dumping of garbage, dead animals, offal, or refuse; ore reduction; manufacture of nitrocellulose; manufacture of sauerkraut; manufacture or treatment of tallow, grease, or lard; curing, or storage of rawhides or skins; distillation of tar.
2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Board of Zoning Appeals. Such materials shall include, but shall not be confined to all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as cellulose nitrate of a nitrogen content of 12.5 percent or greater, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles, perchloric acids; perchlorates, hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.
3. No building, structure, or land within 100 feet of any lot line of a lot located in a Residence District shall be used in connection with the operations of any establishment. Off-street parking and off-street loading spaces may be located within this setback area in accordance with Regulation 8 of this section.
4. Any use establishment in a Manufacturing District hereinafter shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, or glare or heat; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such applicable performance standards. Certification approved by the Plan Commission, indicating compliance with the applicable performance standards shall accompany application for a building permit.
5. Signs intended to be seen outside the lot lines.
 - a. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.

- b. Signs should always be properly maintained.
6. No manufacturing use structure except fences and sign posts shall come within thirty-five (35) feet of any residential district boundary line.
7. Parking requirements - at least one (1) off-street parking stall shall be provided for each two (2) workers per shift.
8. Visibility at intersections - On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) and twelve (12) feet above the established grade determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each lot line.
9. Fences, walls, and hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, walls and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway.
10. Off-street loading - On the same premises with every building or structure hereafter erected and occupied for uses involving the receipt or distribution by vehicle or material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height distance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of floor area or land areas used for the aforementioned purposes.
11. Owners of manufacturing business buildings must submit in writing a proposed handicapped parking plan to the Plan Commission of the City of Madison for approval at a regularly scheduled Plan Commission meeting.

SECTION 6.22 - LIGHT MANUFACTURING DISTRICT (M-1)

A. General

1. Floor area ratio - not to exceed one (1.0).
2. Lot area - not less than ten thousand (10,000) square feet.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Manufacturing and wholesale business establishments will be permitted in this district if upon review by the Plan Commission, they are evaluated as clean, quiet, and free of hazardous or objectionable elements.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. Special Restrictions may also be imposed in addition to the General Restrictions.

D. Performance Standards

Performance standards, as measured at the boundary lines of this manufacturing district, are maximums. Firms which exceed these standards are considered to be in violation of this ordinance.

1. Noise

A permitted or conditional use in this district shall not create noise which, when using "A" scale of the standard noise level meter, exceeds the following decibel limits: On the boundary line when adjoining residentially zoned property, 55 db; on the boundary line when adjoining property zoned commercial, 62 db; and on the boundary line when adjoining property zoned manufacturing, 69 db. Motor vehicular traffic on property subject to said limitations including the transportation of goods and processing of products (motorized) shall be exempt.

A standard noise level meter used for the above tests shall have a fast/slow response with a minimum capacity of measuring sound pressure on the "A" weighted scale. Equipment should also include a reliable calibrator for the noise level meter.

The above noise levels apply to normal operations on property and do not apply to noise created as a result of an emergency or an unusual event outside of the normal operating routine of the use for said property.

2. Smoke and Particulate Matter

All permitted and conditional uses shall comply with the smoke and particulate matter standards as set by the appropriate Indiana State laws and regulatory agencies. If said standards are exceeded by a permitted or conditional use of property, then the use may be considered in violation of smoke and particulate matter standards in the City of Madison and shall be considered a violation of the zoning ordinance.

3. Toxic or Noxious Matter:

No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located toxic or noxious matter, such as sewage, in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

4. Odors

The emission of odorous matter in such quantity as to produce a public nuisance or hazard beyond lot lines is prohibited.

5. When rough tests by a duly constituted enforcement officer indicate to the Plan Commission a possible violation of the performance standards, the Plan Commission may require the manufacturer to obtain and bear the cost of the appropriate technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the manufacturing property. This technical assistance shall be approved in writing by the Plan Commission before tests are conducted. Results of said tests shall be presented to the Plan Commission in writing. Any test result in excess of the appropriate performance standard shall be considered a violation of this ordinance.

SECTION 6.23 - HEAVY MANUFACTURING DISTRICT m-2

A. General

1. Floor area ratio - not to exceed one (1.0).
2. Lot area - not less than ten thousand (10,000) square feet.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions (Table 2). In addition, the following restrictions, as applicable, shall apply.

1. Major manufacturing, processing, warehousing, and major research and testing operations will be permitted in this district if they require extensive community facilities and reasonably good access to major thoroughfares.
2. Those previously noted establishments generating heavy industrial type traffic and requiring extensive open storage will be permitted if they meet the limitations of the performance standards.

C. Restrictions for Conditional Uses

See Section 6.22 C.

D. Performance Standards

See Section 6.22 D.

SECTION 6.24 - RESTRICTIONS ENVIRONMENTAL DISTRICTS

These districts have been created in order to protect and improve upon the agricultural and open space lands within the Madison Planning Area. Urban development seems to know no restrictions and for this reason foresight must be given to conserve these areas.

SECTION 6.24 (cont.)

A. General Requirements - All Environmental Districts

1. No activities will be permitted that are not related to the operation or enhancement of these districts. Allowable uses include park facilities and support agricultural user as farm homes, outbuildings.
2. Energy-related mining operations will be permitted if under evaluation by the Plan Commission their operation will not dramatically harm the surrounding environment or if there is an immediate regional need for such energy resource.
3. When concluded, mining operations will be required to regrade such impacted land back to its original contour, replace top-soil, and in vegetated areas provide natural vegetation similar to the surrounding area's character. Such land reclamation will be monitored by the Plan Commission.

SECTION 6.25 - AGRICULTURAL DISTRICT

A. General

1. Signs intended to be seen outside the lot lines:
 - a. Non-flashing illuminated business signs are permitted.
 - b. No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
2. Setbacks for all structures valued in excess of one thousand dollars (\$1,000) except dwelling units shall be fifty (50) feet minimum.
3. Performance Standards

All performance standards listed under Section 6.23 D do not apply to farm uses, except in the case of toxic or noxious matter (6.23 D3), in which case they do apply.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Transportation Related Uses (411, 451, 455, 460)

Any changes or improvements regarding these uses in this district are subject to restrictions by the appropriate governing bodies. However, new rights-of-way should be carefully studied due to the tremendous amount of land required.

2. Farm and Garden Supplies (596)

- a. An illuminated, non-flashing sign is permitted subject to other sign restrictions.
- b. Parking requirements - For retail and wholesale stores, at least one (1) parking stall for each one hundred and twenty (120) square feet of floor area devoted to sales.
- c. Whenever a business comes within five hundred (500) feet of any residential district, appropriate screening, such as vegetation, a wall, a uniformly painted fence, or topography, shall be used to visually screen loading docks and parking lots from the surrounding dwelling units.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Dwelling Units (110)

- a. Floor area ratio - not to exceed two tenths (0.20).
- b. Lot area - not less than one (1) acre (43,560 square feet).
- c. Lot width - not less than one hundred and fifty (150) feet.
- d. Signs intended to be seen outside lot lines:
 - (1) Non-illuminated business signs are permitted.
 - (2) No sign shall project beyond a lot line, obstruct in any way a driver's vision of the road or hinder his passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
 - (3) No sign shall be larger than two (2) square feet per side (exception - real estate signs).
 - (4) Real estate signs:
 - (a) Size - eight (8) square feet per side.
 - (b) They are only temporary.
- e. Parking - Two (2) off-street parking spaces shall be provided per dwelling unit. --
- f. Visibility at intersections - On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) to twelve (12) feet above the established grade determined by a diagonal line connecting two points measured fifteen (15) feet equal distant from the street corner along each lot line.

- g. Fences, walls, and hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, providing that driveway entrances are not shielded by fences, walls, and hedges in such a way as to obstruct the view of a driver entering a public road from the driveway.
 - h. Parking, storage, or use of major recreational equipment - Major recreational equipment may be parked or stored anywhere on a lot in this district provided that they do not violate any other sections of this ordinance and that not more than three (3) pieces of equipment are present for any period of time in excess of twenty-four (24) hours. Further, no such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot.
 - i. Parking and storage of certain vehicles - Automotive vehicles or trailers of non-agricultural kind or type without current license plates shall not be parked or stored for more than seven (7) days on any environmentally zoned property other than in completely enclosed buildings with the exception of licensed antique vehicles.
2. Retirement Homes, Group Quarters, Mobile Home Parks (SIC 123 & 140)
 3. Farm Related Manufacturing (SIC 211, 212, 214)

These uses may be allowed subject to additional restrictions and approval by the Plan Commission. If this same use could operate just as effectively in an existing manufacturing zone, it should do so.

4. Transportation and Utility Uses (412, 431, 441, 452, 453, 454, 456, 457, 459, 471, 472, 476, 479, 481, 482, 483, 484, 485, 486, 489, 491)

Any transportation and utility uses are subject to Plan Commission approval and restriction.

SECTION 6.26 - OPEN SPACE DISTRICT

The Open Space District is designed to promote the preservation of natural features and scenic beauty and protect the public health, safety, comfort, and general welfare by reducing the hardships and financial burdens imposed upon the planning area by periodic ponding and flooding of streams and the Ohio River and other designated areas.

A. General

1. Within any OS, Open Space District, except for bona-fide agricultural uses as defined in Section 6.26, no building shall be used or arranged, or designed to be used except for one or

more of the following uses which shall be subject to all regulations and requirements for permit of this ordinance.

- a. Public picnic ground, marinas, and beaches.
- b. Public parks and forest preserves.
- c. Public and quasi-public utility substations, etc., but not including power generation or gas manufacturing plants.
- d. Camps or campgrounds. However, such use as camps or campgrounds shall not include use of a mobile home in the open space district.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

- 1. Except as required, no building shall be erected within fifty (50) feet of the right-of-way of any public street, road, or highway, nor within fifteen (15) feet, or one foot for each foot or building height, whichever is the greater, of any lot line.
- 2. Any building shall be so placed as to offer the minimum obstruction to flow of waters and shall be firmly anchored to prevent the building from being moved or destroyed by the flow of water.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. Special restrictions may also be imposed.

SECTION 6.27 - HILLSIDE DISTRICT

A. General

- 1. Floor area ratio - not to exceed two tenths (0.20).
- 2. Lot area - not less than one (1) acre (43,560 square feet).
- 3. Lot width - not less than one hundred fifty (150) feet.
- 4. The Height shall not exceed 28 feet above grade elevation on the up hillside of structure.
- 5. Hillside permit requirements -- No person or corporation may add or remove soil, construct driveways, roadways, or otherwise alter the contour of land in any way without first obtaining a hillside permit after hearing before the Plan Commission. The Plan Commission, in its decision on whether to issue a hillside permit shall consider the following conditions and safeguards:
 - a. The value of the hillside area as a scenic natural feature of the City of Madison shall be preserved.
 - b. All construction will utilize extensive measures to control erosion and minimize the adverse physical impacts on the site.

SECTION 6.27 (cont.)

- c. Residential building designs and height shall be in harmony with the character of other hillside residential structures and should not result in significant depreciation of surrounding landowners.

At such Plan Commission hearing the developer or property owner will submit to the Plan Commission, the following information:

- a. A site plan detailing the proposed land change, building construction, addition, alteration or removal. Such site plan shall be drawn at a scale of 1" = 50', and shall include five (5) foot topographical intervals and existing utility layouts and proposed landscaping plan.
- b. Results of soil borings of the site where construction is to occur.
- c. Drawings of any proposed building construction or alteration approved for structural integrity by either a Registered Indiana Professional Engineer or Registered Indiana Architect.
- d. The adjoining property owners must be notified as set forth in 12.07.

B. Restrictions for Permitted Uses

All permitted uses listed in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as applicable, shall apply.

1. Single family detached dwelling units (110)

- a. If built on a block or road where previous development has taken place:
 - (1) Setbacks shall conform to within twenty-five (25) feet either way of the average setback of the dwelling units located within three hundred (300) feet on each side of the said dwelling unit along the same side of the same street or road, but shall in no case be narrower than forty (40) feet from right-of-way if bordering a collector street or sixty (60) feet from the right-of-way if bordering an arterial street or road.
- b. If built on a block or road where no previous residential development has taken place:
 - (1) Setbacks shall be not less than forty (40) feet from right-of-way of collector streets and sixty (60) feet from right-of-way of arterial streets.
 - (2) Side yards shall in no case be less than twenty (20) feet in the hillside district.

- (3) For all side yards, when the structure is in excess of two stories, for each story over the second, the side yard shall be increased by at least eight (8) feet. (For purpose of this ordinance, a story which is more than half below ground level from floor to ceiling shall not be considered a story.) Example: a three-story house would be required to have side yards of at least twenty-eight (28) feet.

2. Parks, Playgrounds, and Recreation Areas (742, 743, 761 & 762)

These uses are permitted in this district provided that plans for their development and use are approved by the Plan Commission.

Additional Restrictions:

- a. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than seventy-five (75) feet from any adjacent property line.
- b. Areas for parking shall not be closer than forty (40) feet from lot line.
- c. At the option of the Plan Commission at such date as the situation may arise, noise buffers may be required to shield adjacent residences from undue noise pollution. This may be in the form of a tall solid fence or heavy vegetation.

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. Special restrictions may also be imposed.

- OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

NO.	CATEGORY	<input type="checkbox"/> - Permitted Uses <input checked="" type="checkbox"/> - Conditional Use (Special Exception) <input type="checkbox"/> - Prohibited Use			Residential					Business			Manuf		Environ			Historic		
		RA	R4	R8	R32	R4H	PRO	LB	CB	RC	M1	M2	AG	OS	HS	CEO	SD	HDR		
110	Dwelling Unit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
111	Home Occupations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
121	Rooming & Boarding Houses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
122	Fraternity, Sorority Houses, Residence Halls or Dormitories	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
123	Retirement Homes, Orphanages, Religious Quarters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
130	Residential Hotels, Apartments, Condominiums	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
140	Mobile Home Parks or Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
211	Manufacturing - Meat Products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
212	Manufacturing - Dairy Products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
213	Canning & Preserving of Fruits, Vegetables & Seafoods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
214	Manufacturing - Grain Mill Products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
215	Bakery Products Wholesale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
216	Manufacturing - Sugar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
217	Manufacturing - Confectionery & Related Products Wholesale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
218	Manufacturing - Beverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
219	Manufacturing - Other Food Preparations & Kindred Products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
221	Manufacturing - Other Small Wares (Cotton, Man-Made Fibers, Silk, Wool)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
222	Manufacturing - Knit Goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
223	Dyeing & Finishing of Textiles (Except Wool Fabrics & Knits)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
224	Manufacturing - Floor Coverings (Rugs & Carpets)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
225	Manufacturing - Yarns & Threads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11/10/2020

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- OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

NO.	CATEGORY	<input type="checkbox"/> -Permitted Uses <input type="checkbox"/> -Conditional Use (Special Exception) <input type="checkbox"/> -Prohibited Use	Residential					Business				Manuf		Environ			Historic		
			RA	R4	R8	R32	RMI	PRO	LB	GB	RC	M1	M2	AG	OS	RS	CBD	SD	HDR
342	Manufacturing - Machinery (Except Electrical)																		
343	Manufacturing - Electrical Machinery, Equipment, & Supplies																		
344	Manufacturing - Transportation Equipment																		
349	Manufacturing - Other Fabricated Metal Products																		
351	Manufacturing - Engineering, Scientific & Research Equipment																		
352	Manufacturing - Optical Instruments & Lenses																		
353	Manufacturing - Surgical, Medical & Dental Instruments & Supplies																		
354	Manufacturing - Ophthalmic Goods																		
355	Manufacturing - Photographic Equipment & Supplies																		
356	Manufacturing - Watches, Clocks, Devices & Parts																		
391	Manufacturing - Jewelry, Silverware & Plated Ware																		
392	Manufacturing - Musical Instruments & Parts																		
393	Manufacturing - Toys, Amusement, Sporting & Athletic Goods																		
394	Manufacturing - Pens, Pencils & Other Office & Artists Supplies																		
395	Manufacturing - Novelties & Misc. Notions (Except Precious Metals)																		
396	Manufacturing - Tobacco																		
397	Motion Picture Production																		
399	Other Miscellaneous Manufacturing																		
411	Railroad Transportation																		
412	Rapid Rail Transit & Street Railway Transportation																		
413	Railroad Passenger Terminals																		

- OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

NO.	CATEGORY	<input type="checkbox"/> -Permitted Uses <input type="checkbox"/> -Conditional Use (Special Exception) <input type="checkbox"/> -Prohibited Use			Residential					Business				Manuf		Environ			Historic	
		RA	R4	R8	R32	R4H	PRO	LB	GB	BC	MI	MZ	AG	OS	HS	CBD	SD	HR		
476	Relay Towers & Transmitting Stations (TV & Radio)	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ						Δ	
479	Other Communication						Δ		Δ	Δ	Δ	Δ	Δ						Δ	
481	Electric Utility	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ						Δ	
482	Gas Utility	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ						Δ	
483	Water Utilities & Irrigation	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ						Δ	
484	Sewage Disposal	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ						Δ	
485	Solid Waste Disposal										Δ	Δ	Δ							
486	Major Utilities, Stations & Plants										Δ	Δ	Δ							
489	Other Utilities										Δ	Δ	Δ							
491	Other Pipeline Right-of Way & Pressure Control Stations										Δ	Δ	Δ							
492	Transportation Services										Δ	Δ							Δ	
493	Transportation Ticket Arrangements					<input type="checkbox"/>					Δ	Δ							<input type="checkbox"/>	
499	Other Transportation, Communication & Utilities							Δ	Δ	Δ	Δ	Δ							Δ	
511	Wholesale - Motor Vehicles & Automotive Equipment							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
512	Wholesale - Drugs, Chemicals & Allied Products							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
513	Wholesale - Dry Goods & Apparel							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
514	Wholesale - Groceries & Related Products							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							Δ	
515	Wholesale - Farm Products (Raw Materials)							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							Δ	
516	Wholesale - Electrical Goods							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							Δ	
517	Wholesale - Hardware, Plumbing, Heating Equipment & Supplies							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							Δ	
518	Wholesale - Machinery, Equipment & Supplies							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							Δ	

- OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

NO.	CATEGORY	□ -Permitted Uses ▲ -Conditional Use (Special Exception) -Prohibited Use										Residential					Business					Manuf		Environ			Historic		
		RA	R4	R8	R12	RMH	PRO	LB	CB	RC	NI	M1	M2	AG	OS	HS	CBD	SD	HDR										
553	Retail - Gasoline Service Stations									▲	□	□	□		▲	▲		□											
559	Retail - Other Automotive, Marine Craft, Aircraft & Accessories									□	□	□	▲	▲			▲												
561	Retail - Men's & Boy's Clothing & Furnishings									▲	□	□	□				□	□											
562	Retail - Women's Ready-to-Wear									▲	□	□	□				□	□											
563	Retail - Women's Accessories & Specialties									▲	□	□	□				□	□											
564	Retail - Children's & Infants Wear									▲	□	□	□				□	□											
565	Retail - Family Clothing									▲	□	□	□				□	□											
566	Retail - Shoes									▲	□	□	□				□	□											
567	Retail - Custom Tailoring										□	□	□				□	□											
568	Retail - Furriers & Fur Apparel										□	□	□				□	□											
569	Retail - Other Apparel & Accessories Trade										□	□	□				□	□											
571	Retail - Furniture, Homefurnishings, Equipment, Household Appliances										□	□	□	▲			□	□											
572	Retail - Radios, Televisions, & Music Supplies										□	□	□	▲			□												
581	Retail - Hotels, Tourist Courts, Motels & Other Transient Housing										□	□	□	▲			□												
582	Retail - Eating Places									▲		□	□				□												
583	Retail - Drinking Places (Alcoholic Beverages)									▲	▲	□	□	▲	▲		□	▲											
591	Retail - Drug and Proprietary									□	□	□	□	▲	▲		□	△											
592	Retail - Liquor										□	□	□	□			□												
593	Retail - Antiques & Secondhand Merchandise									▲	□	□	□	▲	▲		□												
594	Retail - Books and Stationery										▲	□	□			▲	□	□											
595	Retail - Sporting Goods & Bicycles										□	□	□				□												

Council Appro
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- OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

NO.	CATEGORY	<input type="checkbox"/> -Permitted Uses <input type="checkbox"/> -Conditional Use (Special Exception) <input type="checkbox"/> -Prohibited Use	Residential				Business				Manuf		Environ			Historic			
			RA	R4	R8	R32	RMH	PRO	LB	GB	BC	M1	M2	AG	OS	HS	CHD	SD	HDR
635	News Syndicate Services									<input type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
636	Employment Services									<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>		
637	Warehousing & Storage Services									<input type="checkbox"/>							<input type="checkbox"/>		
638	Petroleum Prod. Dist. Plants											<input type="checkbox"/>					<input type="checkbox"/>		
639	Other Business Services									<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
641	Automobile Repair & Services		<input type="checkbox"/>							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
649	Other Repair Services									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
651	Medical & Other Health Services		<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
652	Legal Services								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
653	Sanitariums, Convalescent, & Rest Home Services		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
659	Other Professional Services							<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>
661	General Contract Construction Services							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
662	Special Construction Trade Services									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
671	Executive, Legislative & Judicial Functions								<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>		
672	Protective Functions & Their Related Activities (Police & Fire)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
673	Postal Services		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
674	Correctional Institutions									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
675	Military Bases & Reservations									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
681	Nursery, Primary & Secondary Education		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
682	University College, Junior College & Professional School Education				<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
683	Special Training & Schooling							<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

-- OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

NO.	CATEGORY	<input type="checkbox"/> -Permitted Uses <input type="checkbox"/> -Conditional Use (Special Exception) <input type="checkbox"/> -Prohibited Use	Residential					Business				Munif		Environ			Historic		
			RA	R4	R8	R12	R41	PRO	LB	CB	RC	M1	M2	AC	OS	HS	CHD	SD	HDR
769	Other Parks		Δ	Δ	□	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ		Δ	Δ	Δ	
790	Other Cultural, Entertainment & Recreational					Δ						Δ	Δ	□		Δ			
811	Farms (Predominant Crop - Fibers)		□	□	□	□						□	□	□					
812	Farms (Predominant Crop - Cash Grains)		□	□	□	□						□	□	□					
813	Farms (Field Crops Other than Fiber or Cash Grain Crops)		□	□	□	□						□	□	□					
814	Farms (Predominant Crop - Fruits, Tree Nuts or Vegetables)		□	□	□	□						□	□	□					
815	Farms (Predominantly Dairy Products)		□									Δ	Δ	□					
816	Farms & Ranches (Livestock Other than Dairy)		□									Δ	Δ	□					
817	Farms (Predominantly Poultry)		Δ									Δ	Δ	□					
818	Farms (General - No Predominance)		□									Δ	Δ	□					
819	Other Agricultural & Related Activities		□									Δ	Δ	□					
821	Agricultural Processing		Δ									Δ	Δ	□					
822	Animal Husbandry Services		□						Δ			Δ	Δ	□					
823	Confinement Feeding											Δ	Δ	□					
829	Other Agricultural Related Activities		Δ									Δ	Δ	□					
831	Commercial Forestry Production		Δ										□						
832	Forestry Services		Δ										□						
839	Other Forestry Activities		Δ										□						
841	Fisheries & Marine Products											Δ	Δ	□	Δ				
849	Other Fishery Activities & Related Services											Δ	Δ	Δ	Δ				
851	Metal Ore Mining												Δ						

SECTION 8.00 - SUPPLEMENTARY REGULATION - PLANNED UNIT DEVELOPMENT (PUD)

The purpose of this section is to provide regulation for Planned Unit Developments (PUD), which are of a significantly different character than traditional land developments. Specific standards and exceptions have been developed to govern the actions and recommendations of the Plan Commission regarding such developments.

A. General

It shall be the policy of the City of Madison to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; -
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

B. Planned Unit Development Restrictions

Whenever there is a conflict or difference between the provisions of this section and those of the other sections of this ordinance, the provisions of this section shall prevail. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this ordinance.

A planned unit development shall conform to the following:

1. The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located unless a density increase is permitted.
2. All uses that may be allowed within the land use district may be permitted within a PUD.

3. Up to ten (10) percent of the gross land area in a Residential District may be directed to commercial, industrial, public and quasi-public uses that are not allowed within the land use district, provided there is a favorable finding by the Plan Commission:
 - (a) That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of residential development.
 - (b) That the uses are not of such nature or so located as to exercise a detrimental influence on the development nor on the surrounding neighborhood.
 - (c) That the uses are intended to serve principally the residents of the PUD.
 - (d) That the uses are planned as an integral part of the PUD.
 - (e) That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating traffic congestion or hazard.
4. A minimum parcel area of ten (10) acres is required for PUD.
5. There shall be at least ten (10) percent of the land area in the development provided for park and recreational purposes which shall not be covered by buildings, parking lots, driveways, or streets. No more than fifty (50) percent of this useable open space shall be covered by water.
6. If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly maintained and operated.
7. All utilities, including communication and electric systems, shall be placed underground within the limits of the development. Appurtenances to these systems which can be effectively screened may be excepted.
8. The design and designation of private streets shall be subject to the approval of the Plan Commission.
9. The development plan shall include a common water supply and distribution system, either public or private, which shall meet the approval of the Plan Commission and shall be built at no expense to the local government.
10. The development plan shall include a sanitary sewer system connected to a public sewer system, if available within a reasonable distance from the project, or it shall provide for a central collection and treatment system in accordance with the requirements of the Plan Commission.

11. The plan of the project may provide for the integral and harmonious design of buildings in commercial and industrial areas and the parcels shall be developed in parklike surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas and other such features from the adjoining and surrounding residential areas.
12. No building is permitted to exceed the height limit of the district in which it is located by more than 10 percent.
13. All previously noted parking standards shall remain in effect for all PUD's.
14. Non-residential areas must be developed in equal ratio to residential areas. This is required to avoid the total development of residences without the accompanying services.

C. Increased Residential Density Through Design Incentives.

To provide for an incentive for quality PUD, the Plan Commission may authorize an increased residential density of up to twenty (20) percent of the allowable number of dwelling units. In allowing for density increase, the Commission shall be guided by the following criteria:

1. If open space provided exceeds twenty (20) percent of land area, additional five (5) percent increase in residential density allowed.
2. If land donated or dedicated for public purposes such as public buildings, schools and parks an additional five (5) percent increase in residential development is allowed.
3. If there is significant landscaping, screening and site planning in development, an additional five (5) percent increase in residential development is allowed.
4. If community facilities and amenities as trails, lakes, plaza fountains, tennis courts, etc. are provided in PUD, an additional five (5) percent increase in residential development is allowed.

D. Procedure for Approval of PUD

1. Submit a preliminary site plan in triplicate to the Board of Zoning Appeals and to the Plan Commission in sketch form which includes, but is not restricted to, the following information:
 - (a) Location and boundaries of tract to be developed, showing the general layout of streets and the existing and proposed zoning of all areas.

SECTION 6.00 (cont.)

- (b) Tentative placement of all improvements on the site, showing how recommendations of this ordinance and any requirements of the Board of Zoning Appeals and/or Plan Commission have been utilized.
 - (c) General proposals on densities on both residential and other uses. (To allow for sufficient flexibility, the Commission may allow minor shifts in use locations and densities, provided however, that the general overall plan is adhered to.)
 - (d) Proposed schedule for the development of the site.
2. If the Plan Commission approves the preliminary development plan, the plan together with the recommendations of the Plan Commission, shall be embodied in a report to the Board of Zoning Appeals stating the reasons for the approval of the plan and application, and specific evidence and facts showing that the proposed PLD plan has considered and made provision for the following essential elements:
- (a) That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded.
 - (b) That the plan is consistent with the intent of this ordinance to promote public health, safety and the general welfare.
 - (c) That the tract, collectively, meets the minimum space requirements for the specific district(s).
3. The Board of Zoning Appeals and the Plan Commission shall give notice of acceptance or rejection of the proposal within sixty (60) days. Reasons for rejection, along with suggestions for revisions, shall be given. The developer may resubmit plans after the suggested corrections or additions are made.
4. The developer shall submit a final site plan.
5. The Board of Zoning Appeals and the Plan Commission shall give notice of acceptance or rejection of the final proposal within sixty (60) days. Reasons for rejection, along with suggestions for revisions, shall be given along with any rejection by the Board or Commission. Developer may re-submit plans after corrections. After final approval, developer may proceed with construction.

SECTION 10.00 - NON-CONFORMING USE SPECIFICATIONS

Within the districts established by this ordinance, or amendments that may later be adopted, there exists non-conforming uses of land or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments thereto. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

SECTION 10.10 - CHANGE

Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter revert to a non-conforming use.

SECTION 10.20 - EXTENSION

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 10.30 - ERECTION AND RE-ERECTION OF STRUCTURE

No building shall be erected upon any premises devoted to a non-conforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than eighty (80) percent of its appraised replacement valuation, which existed prior to time of damage, shall be repaired or rebuilt, except in conforming with regulations of this ordinance.

SECTION 10.40 - TEMPORARY PERMITS

Temporary buildings and structures incidental to construction work are permitted but must be removed upon completion of the construction.

SECTION 10.50 - RIGHT TO CONSTRUCT IF PERMIT ISSUED

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has heretofore

SECTION 10.50 (cont.)

issued and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit and which entire building shall be completed according to such plans, as filed, within three (3) years from the date of passage of this ordinance. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be action construction, provided that the work shall be carried out diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

SECTION 10.60 - NON-CONFORMING USES OF STRUCTURES

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance.
2. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one year, or in the case of a mobile home in the City, more than 60 days, (except when government action impedes access to the premises) the structure or structure and land combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
3. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 10.70 - DISCONTINUANCE OF NON-CONFORMING USE OF LAND

The lawful use of land for open storage purposes, which does not conform to the provisions of this ordinance, shall be discontinued within five (5) years from the date of passage of this ordinance, and the use of land for storage purposes, which may become a non-conforming use by reason of an amendment to this ordinance, shall be discontinued within five (5) years from the date of passage of such amendment.

SECTION 10.80

SECTION 10.80 - NON-CONFORMING USE CREATED BY AMENDMENT

These provisions apply in the same manner to a use which may become a non-conforming use due to a later amendment to this ordinance.

ARTICLE V

ADMINISTRATION

SECTION 11.00 - ENFORCEMENT OF THE ORDINANCE

It shall be the duty of the Building Inspector, designated by the Mayor, to enforce this ordinance. He shall receive applications required by this ordinance, issue permits, and furnish the prescribed certificates. He shall examine areas for which permits have been issued, and shall make necessary inspections to see that the provisions of this ordinance are being upheld. He may be provided with the assistance of the Chief of Police in enforcing orders and the City Attorney in prosecuting violations.

For the purpose of this ordinance, the Building Inspector shall have the following duties:

1. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s);
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on building and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

SECTION 11.10 - CONTINUANCE OF BOARD OF ZONING APPEALS

The Board of Zoning Appeals is hereby continued as an official entity of the City of Madison.

SECTION 11.11 - COMPOSITION AND APPOINTMENT

It shall consist of six (6) members. The membership shall be composed of five (5) residents of the City of Madison and one (1) resident of the unincorporated area under the jurisdiction of the Plan Commission. The City representatives shall be appointed by the Mayor and shall include two (2) members of the City Plan Commission. None of the members appointed by the Mayor shall hold other elective or appointed offices in the City or County government. The representatives of the unincorporated area shall be appointed by the Judge of the Jefferson County Circuit Court.

SECTION 11.11 (cont.)

Upon continuance of the Board of Zoning Appeals, the city representatives shall be appointed for the following terms: one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years and two (2) for a term of four (4) years. The terms of these members shall expire on the first day of January of the first, second, third or fourth year, respectively, following their appointment. Thereafter, as their terms expire, each new appointment shall be for a term of four (4) years. The term of the representative of the unincorporated area shall be for a period of four (4) years. Members of the Board may be removed from office by the City Council for cause upon written charges after public hearing. Vacancies shall be filled by appointment for the unexpired term of the member affected.

In the event a vacancy occurs on the Board of Zoning Appeals for any reason, the Mayor shall appoint a member for the unexpired term.

SECTION 11.12 - ORGANIZATION

At the first meeting of each year, the Board of Zoning Appeals shall elect a chairman and a vice chairman from its members. The Vice Chairman shall have authority to act as chairman during the absence or disability of the chairman.

A majority of members shall constitute a quorum. However, no action shall be official unless authorized by a majority of the full Board.

The City Council shall provide suitable offices for the holding of hearings and the preservation of records, documents and accounts. The City Council may appropriate funds to carry out the duties of the Board of Zoning Appeals. The City Council may compensate the Members of the Board of Zoning Appeals for their service. The board shall have authority to expend all sums appropriated to it for purposes and activities authorized by this Ordinance in accordance with regular city procedures. The Board may appoint and fix the compensation of an attorney, secretary and such employees as are necessary for the discharge of its duties in conformity and compliance with salaries and compensations theretofore fixed by the City Council.

SECTION 11.13 - RULES OF PROCEDURE

- A. The Board shall adopt rules for its procedure consistent with the provisions of Public Law 178 of the Acts of the Indiana General Assembly of 1979.

SECTION 11.14 - MEETINGS AND RECORDS

- A. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings and record the vote of all actions taken. All minutes and records shall be filed in the office of the Board and shall be a public record.

SECTION 11.15 - APPEALS FROM BUILDING INSPECTOR

- A. Any decisions of the Building Inspector made in enforcement of this ordinance may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

SECTION 11.16 - POWERS AND DUTIES OF THE BOARD

- A. The Board shall have the following powers and it shall be its duty to:
 - (1) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance.
 - (2) Permit and authorize exceptions to the district regulations only in the classes of cases or in particular situations as specified in this ordinance.
 - (3) Hear and decide special exceptions to the terms of the ordinance upon which the Board is required to act under this ordinance.
 - (4) Authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that spirit of this ordinance shall be observed and substantial justice done.
- B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.
- C. The Board shall hear and determine appeals in the manner prescribed in Section 125 to 128, inclusive, of Public Law 178 of the Indiana General Assembly Acts of 1979.

SECTION 11.17 - RESTRICTIONS ON BOARD ACTION

- A. Every decision of the Board shall be subject to review by certiorari, as prescribed in Section 130 to 143, inclusive, of the Indiana General Assembly Acts of 1979.

- B. No variance in the application of the provisions of this ordinance shall be made by the Board relating to the buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find that such variance will not:

- (1) Impair the adequate supply of light and air to adjacent property.
- (2) Increase the hazard from fire, flood and other dangers to said property.
- (3) Diminish the taxable land value of lands and buildings throughout the city.
- (4) Increase the congestion in the public streets.
- (5) Otherwise impair the public health, safety, comfort and general welfare of the inhabitants of Madison.

SECTION 11.20 - PROCEEDINGS OF THE PLAN COMMISSION

The Plan Commission shall continue to operate under its existing rules of operation. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be of public record and be immediately filed in the office of the Commission.

SECTION 11.21 - DUTIES OF THE PLAN COMMISSION

- A. Initiate proposed amendments to this ordinance.
- B. Review all proposed amendments to this ordinance and make recommendations to the Board of Zoning Appeals.
- C. Review all planned unit developments and make recommendations to the Board of Zoning Appeals.

SECTION 11.30 - PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Section 11.31-11.39, inclusive, of this ordinance. As specified in Section 11.16, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 11.31 - APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any persons aggrieved or by any officer or bureau of the legislative authority of the city affected by any decision of the Building Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Building Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Building Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 11.32 - STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Building Inspector from whom the appeal is taken or due cause shown.

SECTION 11.33 - VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

SECTION 11.34 - APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Building Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;

4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Sub-section 4 of this section have been met by the applicant.

SECTION 11.35 - SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 11.50 of this ordinance.

SECTION 11.36 - PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the Building Inspector or an applicant. However, the public hearing shall not be held sooner than fifteen (15) days after its receipt.

SECTION 11.37 - NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 11.36, notice of such hearing shall be given in the newspaper of general circulation of the City of Madison at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

SECTION 11.38 - NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 11.36, written notice of such hearing shall be mailed by the Applicant, by registered mail, at least ten (10) days before the day of the hearing to each person who owns an interest in real estate in question adjoining the property involved in such petition including owners of real estate at corners, across streets, alleys or easements, as well as others who may share a common boundary; all other persons who in the opinion of the applicant have an interest in the outcome of the petition; and any owner of real estate who did not join as an original petitioner or who did not file a waiver of notice of hearing prior to the day of public hearing.

SECTION 11.39 - ACTION BY BOARD OF ZONING APPEALS

Within fifteen (15) days after the public hearing required in Section 11.36, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 11.35, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

SECTION 11.40 - PROCEDURES AND REQUIREMENTS FOR BUILDING PERMITS

- A. It shall be unlawful to construct, demolish, or repair a structure without first filing with the Building Inspector an application in writing and obtaining a formal permit.
- B. Before a building permit is issued a permit fee therefor shall be paid to the Clerk-Treasurer as set forth in Schedule A, filed herewith and made a part hereto.

SCHEDULE A

- 1. A fee of Five Dollars (\$5.00) shall be paid and collected upon the first One Thousand Dollars (\$1,000.00) or fraction thereof expended for construction, reconstruction, or structural alteration.
 - 2. An additional fee of One Dollar (\$1.00) per thousand dollars or fraction thereof shall be paid and collected for all remaining costs expended for construction, reconstruction, or structural alteration.
 - 3. In no event however, shall any applicant be required to pay a building permit fee in excess of Five Hundred Dollars (\$500.00).
- C. Plans - Applications for permits shall be filed with the Building Inspector and shall be accompanied by such drawings of the proposed work as the Building Inspector may require.

SECTION 11.38 - NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 11.36, written notice of such hearing shall be mailed by the Applicant, by registered mail, at least ten (10) days before the day of the hearing to each person who owns an interest in real estate in question adjoining the property involved in such petition including owners of real estate at corners, across streets, alleys or easements, as well as others who may share a common boundary; all other persons who in the opinion of the applicant have an interest in the outcome of the petition; and any owner of real estate who did not join as an original petitioner or who did not file a waiver of notice of hearing prior to the day of public hearing.

SECTION 11.39 - ACTION BY BOARD OF ZONING APPEALS

Within fifteen (15) days after the public hearing required in Section 11.36, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 11.35, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

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- A. It shall be unlawful to construct, demolish, or repair a structure without first filing with the Building Inspector an application in writing and obtaining a formal permit.
- B. Before a building permit is issued a permit fee therefor shall be paid to the Clerk-Treasurer as set forth in Schedule A, filed herewith and made a part hereto.

\$ 150.24 FEES.

SCHEDULE A

Permits require
payment of fees according to

(A) A fee of
\$2,000 or fraction thereof
for structural alterations

(B) An additional fee shall be paid and collected for new construction, reconstruction, or

(C) An additional fee shall be paid and collected for new construction, reconstruction, or

(Ord. 1987-1, passed

Variance	\$25.00 + \$5.00 = \$30.00
Cond. Use Permit	\$25.00 + \$5.00 = \$30.00
Historic App. Ad Fee	\$ 5.00
Demolition Permit	\$10.00
Set-back Permit	\$25.00 + \$5.00 = \$30.00

Building Permits:
\$25.00 up to the first \$2000.00 or fraction thereof.
\$50.00 on the first \$2000.00, then \$1.00 per thousand
up to \$500,000.00, thereafter (\$.50) per thousand.

Subdivision Regulations:
\$50.00 + \$25.00/lot Any extraneous engineering
costs as ordered by B. I. Will be billed to the developer
at \$75.00/hour.

and upon prior

on the first
construction,

hereof shall
expended for
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expended for
in excess of

-88)

SECTION 11.38 - NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 11.36, written notice of such hearing shall be mailed by the Applicant, by registered mail, at least ten (10) days before the day of the hearing to each person who owns an interest in real estate in question adjoining the property involved in such petition including owners of real estate at corners, across streets, alleys or easements, as well as others who may share a common boundary; all other persons who in the opinion of the applicant have an interest in the outcome of the petition; and any owner of real estate who did not join as an original petitioner or who did not file a waiver of notice of hearing prior to the day of public hearing.

SECTION 11.39 - ACTION BY BOARD OF ZONING APPEALS

Within fifteen (15) days after the public hearing required in Section 11.36, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 11.35, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

SECTION 11.40 - PROCEDURES AND REQUIREMENTS FOR BUILDING PERMITS

- A. It shall be unlawful to construct, demolish, or repair a structure without first filing with the Building Inspector an application in writing and obtaining a formal permit.
- B. Before a building permit is issued a permit fee therefor shall be paid to the Clerk-Treasurer as set forth in Schedule A, filed herewith and made a part hereto.

§ 150.24 FEES.

SCHEDULE A

	Fee	Ad Fee	
Re-Zoning	50.00	10.00 =	60.00
Variance Permit	25.00	10.00 =	35.00
Conditional Use Permit	25.00	10.00 =	35.00
Setback Permit	25.00	10.00 =	35.00
Historic Application		10.00 =	10.00

Subdivisions:

Advisory	10.00 =	10.00
Preliminary	50.00 + \$25.00 per lot + 10.00 ad fee	
Final	No charge except any extraneous engineering Costs as ordered by the Building Inspector will be billed to the developer at \$75.00 qh.	

No Final Approval will be given on any project until all development fees have been paid to the City.

Building Permit:

Under \$ 2,000.00	25.00
Over \$ 2,000.00	50.00 + 1.00 for each \$1,000.00 increment. (Over \$500,000.00 will be \$.50/\$1,000.00 or portion thereof)
Demolition Permits	10.00
Driveway Permit	25.00
Historic Overlays	3.00
Schedule of Uses	10.00 2.00
Subdivision Regulations	20.00
Zoning Ordinance	18.00

COPIES

Tapes	3.00 each
Paper Copies	1.00 per pg.
B & W Zoning Map	2.00 per pg.
Colored ThinkMap	5.00 per pg.

- D. Accompanying each application shall be a plot plan in a form and size suitable for filing permanently with the application to assist the Building Inspector in his on-site inspection, the Applicant shall conspicuously and properly mark each corner of the proposed building site. The Building Inspector may require proof of ownership of the site and a survey.
- E. Within thirty (30) days after the receipt of an application, the Building Inspector shall either approve or disapprove the application. The plans shall be retained by the Building Inspector. If the application is approved, the Building Inspector shall issue a placard to the applicant. It is to be posted in a conspicuous place on the property in question, and will attest to the fact that the use or alteration is in compliance with the provisions of this ordinance.
- F. If work has not begun one year from the date of issuance of the building permit application, that permit shall expire and be revoked by the Building Inspector. If same work has not been substantially completed within two and a half (2-1/2) years - except for PUD's where five (5) years are allowed - from the date of issuance of the building permit application, that permit shall expire and be revoked by the Building Inspector. In each case, written notice shall be given to the applicants with the stipulation that work may not begin or continue (whichever case applies) until a new building permit has been obtained.
- G. It shall be unlawful to use, occupy, or permit the use or occupancy of any non-residential building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Building Inspector. Upon application for a certificate of occupancy, the Building Inspector shall approve, disapprove or issue a temporary permit within thirty (30) days. The certificate of occupancy shall state that the proposed use of the building or land conforms to the requirements of this ordinance and that the Building Inspector has inspected the property and attested to that fact.
- H. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months pending completion of modifications in order to comply with this ordinance.
- I. The Building Inspector shall maintain a complete record of all building permits and certificates of occupancy and copies shall be furnished or presented for review to any person making a request.
- J. Failure to obtain either a building permit or a certificate of occupancy shall be a violation of this ordinance and will be punishable under the provisions of Section 11.50 of this ordinance.
- K. Building permits of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the use or arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangements, or construction. Any use,

arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and be punishable under the provisions of Section 11.50 of this ordinance.

- L. Any persons may file a written complaint whenever a violation of this ordinance occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and basis thereof, and be filed with and recorded by the Building Inspector. The Building Inspector shall immediately investigate and take action upon such complaint as provided in this ordinance.

SECTION 11.50 - PENALTIES FOR VIOLATION OF ORDINANCE

- A. Any person or corporation who violates or fails to comply with any provisions of the City of Madison Zoning Ordinance or Subdivision Control Regulations for the City of Madison shall be guilty of a Class A infraction as defined by IC 35-50-4-2 and shall be subject to penalties thereunder. Each day such violation exists shall constitute a separate offense.
- B. Any person or corporation, being required by the Madison Zoning Ordinance or Subdivision Control Regulations for the City of Madison, to submit plans or plats to either the Building Inspector, Board of Zoning Appeals or Plan Commission, who builds, reconstructs, removes, structurally alters any building or develops land in a manner other than shown by plans or plats approved by the appropriate City zoning agency, shall be guilty of a Class A infraction as defined by I.C. 35-50-4-2 and subject to the penalties thereunder. Each day such noncompliance exists shall constitute a separate offense.
- C. The City Plan Commission, the Board of Zoning Appeals, the Building Inspector, any designated enforcement official or the City of Madison may institute suit or injunctive relief in the Jefferson Circuit Court to restrain an individual, corporation or government unit from violating the provisions of the City of Madison Zoning Ordinance or the Subdivision Control Regulations for the City of Madison.

SECTION 11.60 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall, by ordinance or resolution, establish a schedule of fees, charges, and expenses and a collection procedure for building permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, legal, advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. All fees other than for building permits are set forth in Schedule B.

SECTION 11.60 (cont.)

SCHEDULE B

1. Variance Permit and Renewals	\$15.00
2. Conditional Use Permit	15.00
3. Rezoning	50.00
4. Demolition Permit or Removal	10.00

No petition shall be considered by the Plan Commission or Board of Zoning Appeals without the fees having been paid in advance. The applicant shall be responsible for payment of all mailing and legal advertising costs.

SECTION 11.70 - PROCEDURE AND REQUIREMENTS FOR APPROVAL OF
CONDITIONAL USES

Conditional Uses shall conform to the procedures and requirements of Section 11.71 - 11.77 inclusive of this ordinance.

SECTION 11.71 - GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article V, shall follow the procedures and requirements set forth in Sections 11.71 - 11.77, inclusive. Conditional Uses, while requiring special consideration by the Board of Zoning Appeals, shall be deemed permitted uses in the district in which they are provided.

SECTION 11.72 - CONTENTS OF APPLICATION FOR A CONDITIONAL USE PERMIT

An application for a Conditional Use permit shall be filed with the Building Inspector and the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance and is appropriate for the location at which it is proposed.

SECTION 11.72 (cont.)

7. A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

SECTION 11.73 - GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic features of major importance.

SECTION 11.74

SECTION 11.74 - SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms upon which the conditional uses is granted, shall be deemed a violation of this ordinance and punishable under Section 11.50 of this ordinance.

SECTION 11.75 - NOTICE OF PUBLIC HEARING

Upon receipt of the application for a conditional use permit specified in Section 11.72, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 11.36 through 11.38.

SECTION 11.76 - ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 11.75, the Board shall either approve, approve with supplementary conditions as specified in Section 11.74, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the zoning administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval.

SECTION 11.77 - EXPIRATION OF CONDITIONAL USE PERMIT

A Conditional Use Permit shall be deemed to authorize only one particular use and said permit shall automatically expire if, for any reason, the use has not commenced within one (1) year.

ARTICLE VI

AMENDMENTS

SECTION 12.00 - PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified in Sections 12.01 - 12.10, inclusive, of this ordinance.

SECTION 12.01 - GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, City Council may by ordinance after receipt of recommendations thereon from the Plan Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 12.02 - INITIATION OF ZONING AMENDMENTS

Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Plan Commission;
2. By adoption of a resolution by City Council;
3. By the filing of a petition with the Plan Commission by at least fifty percent (50%) of the owners of property within the area proposed to be changed by said amendment.

SECTION 12.03 - CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 3.00 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. The filing fee is established by City Council according to Section 11.60.
3. Present use;
4. Present zoning district
5. Proposed zoning district;
6. A vicinity map at scale approved by the Building Inspector showing property lines, thoroughfares, existing and proposed zoning within 300 feet, and such other items as the Building Inspector may require;

7. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
8. A statement on how the proposed amendment relates to the comprehensive plan.

SECTION 12.04 - TRANSMITTAL TO PLAN COMMISSION

Immediately after the filing of a petition for amendment, said petition or application shall be transmitted to the Commission.

SECTION 12.05 - PUBLIC HEARING BY PLAN COMMISSION

The Plan Commission shall schedule a public hearing after a petition is received. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application. Notices shall be in the newspaper as described in Section 12.06.

SECTION 12.06 - NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 12.05, notice of such hearing shall be given in the newspaper of general circulation of the City of Madison at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

SECTION 12.07 - NOTICE TO PROPERTY OWNERS

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the applicant by registered mail, at least twenty (20) days before the day of the public hearing to all owners as identified in Section 11.38. The failure to deliver the notification, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 12.06.

SECTION 12.08 - RECOMMENDATION BY PLAN COMMISSION

Within sixty (60) days from the receipt of the proposed amendment, the Plan Commission shall transmit its recommendation to the City Council. The Plan Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied, and the owners of the property may not reapply for the amendment to zoning or apply for a variance for the property for a one (1) year period.

SECTION 12.09

SECTION 12.09 - PUBLIC HEARING BY CITY COUNCIL

Upon receipt of the recommendation from the Plan Commission, City Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Plan Commission. Notice shall be published at least twice within fifteen (15) days before the time set for the hearing

SECTION 12.10 - ACTION BY CITY COUNCIL

Recommendations by the Plan Commission to the City Council as to the adoption or modification of an amendment shall be consistent with Indiana Acts 1979, Chapter 178, Section 611.

SECTION 12.20 - REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE AND ENACTMENT

All ordinances or parts of ordinance in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on _____, 1981.

Passed and adopted by the City Council of the City of Madison, Indiana, on the _____ day of _____, 1981.

CITY COUNCIL

This Ordinance approved by me, Warren R. Rucker, Mayor of the City of Madison, Indiana this _____ day of _____, 1981.

Warren R. Rucker

Attest: _____

Clerk-Treasurer

BUILDING PERMIT ORDINANCE

ORDINANCE No. _____19____

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WITHIN THE JURISDICTION OF THE MADISON CITY PLAN COMMISSION, AS A PART OF THE COMPREHENSIVE PLAN FOR THE CITY OF MADISON, INDIANA

NOW BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA UNDER AUTHORITY OF CHAPTER 178, ACTS OF 1979, GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO.

SECTION 1.

Within the Jurisdictional Area of the City of Madison, Indiana, no structure, improvements, or use of land, may be altered, changed, placed erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the Comprehensive Plan and Ordinance of the City of Madison, and a Building Permit for such structure, improvement or use has been issued.

SECTION 2.

The Building Inspector of the City of Madison shall issue Building Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the Comprehensive Plan for the City of Madison.

SECTION 3.

Every application for a Building Permit shall be accompanied by a site plan, drawn to scale, showing the location of the structure, improvement, or use to be altered, changed, placed, erected or located, the dimensions of the lot to be improved, the size of yards, and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for a Building Permit shall be accompanied by a fee as indicated in Section 11.40 (B) in the Zoning Ordinance.

SECTION 4.

Any decision of the Building Inspector of the City of Madison concerning the issuance of a Building Permit may be appealed to the Board of Zoning Appeals when the decision in question involves